

CONCLUSION

N.J.A.C. 4A:4-7.8(c) states, in pertinent part, that the employee shall be appointed pending examination and satisfactory completion of the working test period. An employee who fails the examination or is released at the end of the working test period shall be restored to his or her permanent title, unless disqualified for further employment.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

At the outset, qualifying experience has the required experience as the primary focus. As this is a qualifying examination, a revised application is not acceptable. The qualifying examination is still an examination, and not an application to be considered for eligibility. As the original application is the “test paper,” additional information on positions not originally given but provide on appeal cannot be considered.

Based on the duties provided on the qualifying examination, the appellant’s positions as a Municipal Deputy Court Administrator, and Assistant Violations Clerk Typing did not have the required experience as the primary focus, as the appellant did not indicate any transcribing duties. In her appeal, the appellant stated that she performed transcription while in these positions. Based on a review of the duties, transcription was not the primary focus, but was an ancillary duty. However, the appellant was in these titles for over seven years, from February 2013 to her June 29, 2020 appointment as a Senior Clerk Transcriber, Bilingual in Spanish and English. Although her transcription duties were not the primary focus of her positions as a Municipal Deputy Court Administrator and Assistant Violations Clerk did not have transcription as their primary focus, the Civil Service Commission is satisfied that the totality of her transcription experience in these titles for over seven years equates to at least one month of the required experience and warrants her passing the qualifying portion of this demotional examination. Lastly, the position is likely misclassified as a Municipal Deputy Court Administrator. For these reasons, good cause exists to relax *N.J.A.C.* 4A:4-7.8(c) and find that the appellant passed the qualifying examination, and, if she has not already done so, she should be tested for the Bilingual Communicative Ability Test (BiCAT).

This shall not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF JULY, 2021

Deirdre' L. Webster Cobb

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